

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-21-02

WHEREAS, AIR BASE LANDINGS, LTD. had applied to Community Zoning Appeals

Board 15 for the following:

BU-1A and RU-3M to RU-3M

SUBJECT PROPERTY: The SW 1/4 of the N1/4 of 36-56S-39 E, more particularly described as follows: The East 50' of Tract A CUTLER LANDINGS, PB 131, Pg. 39, along with the west 50' of the East 100' of the N 75' of Tract A, CUTLER LANDINGS, PB 131, Pg. 39, and Tracts " B-1" and " R" in CUTLER LANDINGS REPLAT, Plat book 135, Page 58.

LOCATION: South of S.W. 268 Street, lying east of theoretical S.W. 122 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 15 that the requested district boundary change to RU-3M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied without prejudice and that the proffered Declaration of Restriction should not be accepted, and said application was denied by Resolution No. CZAB15-20-02, and

WHEREAS, AIR BASE LANDINGS, LTD. appealed the decision of Community Zoning Appeals Board 15 to the Board of County Commissioners for the following:

BU-1A and RU-3M to RU-3M

SUBJECT PROPERTY: The SW 1/4 of the N1/4 of 36-56S-39E, more particularly described as follows: The East 50' of Tract A CUTLER LANDINGS, PB 131, Pg. 39, along with the

west 50' of the East 100' of the N 75' of Tract A, CUTLER LANDINGS, PB 131, Pg. 39, and Tracts " B-1" and " R" in CUTLER LANDINGS REPLAT, Plat book 135, Page 58.

LOCATION: South of S.W. 268 Street, lying east of theoretical S.W. 122 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided for:

- 1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Raphaele C. Chiappetta entitled, Air Base Landings Residential Community, dated 1-7-02 (AI-1 through AI-12 and AZ-1 through AZ-3) and 6-28-02 (SP-1, SP-2 and SP-3) said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- 2) That all units shall be sold in fee simple to third party owners. Neither Developer nor a successor Developer shall rent or lease any unit as either lessor or lessee.
- 3) That the Declaration of Condominium shall: (a) prohibit any rental of a unit within the first 12 months of the purchase of such unit; (b) prohibit any rental for a term less than 12 months; (c) require that all sales, rentals or leases be previously approved by the Condominium Association.
- 4) That the aforementioned stipulations shall run with the land independently and in addition to their inclusion within the Declaration of Condominium.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 15 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 15 in Resolution No CZAB15-20-02 and that the appeal should be granted and that the decision of

Community Zoning Appeals Board 15 should be overruled, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to appeal the decision of Community Zoning Appeals Board 15 and to accept the proffered Declaration of Restrictions was offered by Commissioner Dennis C. Moss, seconded by Commissioner Dorrin D. Rolle, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose " Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 15 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB15-20-02 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 7th day of November, 2002, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 02-5-CCZ15-2

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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 5TH DAY OF DECEMBER, 2002.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-21-02 adopted by said Board of County Commissioners at its meeting held on the 7th day of November, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 5th day of December, 2002.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

